

## REMARKS

The Office Action of March 30, 2007, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-4, 9, 10, 12, 18, 21, 26, 28, 29, 31-34, 49, and 50 have been amended. Claim 20 has been cancelled. Claim 51 has been added. No new matter has been added. Claims 1-4, 6-13, 15-19, 21, 23-34, 39, 40, and 45-51 remain pending upon entry of the present amendment.

### ***Rejections Under 35 U.S.C. § 103***

Claims 1-4, 6-13, 15-21, 23-34, 39, 40, and 45-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,681,115 to McKenna et al. (hereinafter referred to as “McKenna”)<sup>1</sup> in view of U.S. Patent No. 5,241,685 to Bodin et al. (hereinafter referred to as “Bodin”). Applicants respectfully traverse this rejection for at least the following reasons.

Amended independent claim 1 recites, *inter alia*, “determining a number of active terminals in an area based on data derived from a second wireless network; determining whether the number of active terminals meets a predefined threshold; in response to determining that the number of active terminals meets the predefined threshold, selecting content for delivery through a first wireless network based on one or more user profiles associated with one or more active terminals in the area.” Neither McKenna nor Bodin, either separately or in combination, teach or suggest such features. For example, nowhere does McKenna teach or suggest features related to selecting content for delivery based on a user profile as recited in claim 1. Instead, McKenna merely describes providing communiqué communication services to subscribers, wherein the communiqué can take place on a narrowcast basis, where cells and/or cell sectors are grouped to cover a predetermined geographic area or demographic population or subscriber interest group to transmit information to subscribers who populate a target audience for narrowcast transmissions. See McKenna Abstract. At best, McKenna discloses programming of broadcast/narrowcast regions by content operators (people) who pre-program the system for content distribution. Significantly, there is no teaching or suggestion in McKenna that content is selected based on

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<sup>1</sup> The Office Action at page 2 fails to indicate the U.S. Patent No. of the McKenna reference applied. Applicants presume that the McKenna reference as applied is U.S. Patent No. 6,681,115.

user profiles of terminals within a determined area. Thus, McKenna fails to teach or suggest the features as recited in claim 1. Bodin fails to overcome the aforementioned deficiencies of McKenna with respect to claim 1. Thus, notwithstanding whether the proposed combination of McKenna and Bodin is proper, the combination fails to result in at least the referenced features recited in claim 1. Claim 1 is allowable for at least these reasons.

Independent claims 9, 18, 26, 29, 32, 33, 49 and 50 have each been amended to recite features similar to those described above with respect to claim 1. Thus, the enumerated independent claims are allowable for at least the same reasons as claim 1.

The dependent claims, by virtue of depending from at least one of the allowable independent claims, are allowable for at least the same reasons as their respective base claims, and further in view of the additional advantageous features recited therein.

### ***New Claim***

New claim 51 recites, *inter alia*, “transmitting the selected content to at least one terminal in the area through the first wireless network without use of the second wireless network.” Neither McKenna nor Bodin, either separately or in combination, teaches or suggests such features. The Office Action asserts that McKenna discloses a first network (126, 124 and 123) and a second network (141, 142 and 143). Even assuming the validity of the assertion, nowhere does McKenna teach or suggest transmitting the selected content to at least one terminal through the first wireless network without use of the second wireless network. According to FIGS. 1A and 1B of McKenna, terminal 101 is only connected to the alleged second network (see FIG. 1B). Thus, any transmission to terminal 101 would necessarily pass through the alleged second network in contrast to the features cited in claim 51. Bodin fails to cure the aforementioned deficiencies of McKenna. Accordingly, claim 51 is allowable for at least these reasons.

### **CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. If any additional required fees are or if an overpayment has

been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,  
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